

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Hiwet Abraha,

Civil No. \_\_\_\_\_

Plaintiff,

vs.

**DEFENDANT’S NOTICE OF  
REMOVAL OF ACTION FROM  
STATE COURT**

Macalester College,

Defendant.

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Pursuant to 28 U.S.C. §§ 1331, 1367, 1446, Defendant Macalester College (“Macalester”) respectfully removes the above-captioned matter from the Second Judicial District Court of Ramsey County to the United States District Court for the District of Minnesota. In support of its Notice of Removal, Macalester states as follows:

1. On January 9, 2019, Plaintiff Hiwet Abraha (“Plaintiff”) served Defendant Macalester with a Summons and Complaint.
2. In her Complaint, Plaintiff alleges that Defendant Macalester violated the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2615(a)(2), by failing to inform her of her rights thereunder to take medical leave. Plaintiff also alleges reprisal under the Minnesota Human Rights Act, Minn. Stat. § 363A.15, for seeking disability leave.
3. Copies of all process and pleadings provided to Defendant in this action are attached hereto as Exhibit A. There have been no further proceedings in this action.

4. Pursuant to 28 U.S.C. § 1446(b) and *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999), Defendant Macalester has timely removed this action, having filed this Notice of Removal within 30 days after Defendant's receipt of service of the initial pleading setting forth the claims for relief upon which the action is based.
5. The United States District Court for the District of Minnesota has original subject matter jurisdiction over Plaintiff's claim for violation the FMLA pursuant to 28 U.S.C. § 1331.
6. Additionally, this Court has supplemental jurisdiction over Plaintiff's remaining state law claim under 28 U.S.C. § 1367(a).
7. Venue is proper in this Court pursuant to 28 U.S.C. § 1441, which permits any civil action brought in any state court in which the District Courts of the United States have original jurisdiction to be removed to the District Court of the United States for that district and division embracing the place where the state court action is pending.
8. Defendant Macalester reserves the right to amend or supplement this Notice of Removal.
9. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Second Judicial District Court of Ramsey County and is being served on Plaintiff.

10. Defendant Macalester submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff pled claims on which relief can be granted.

Dated: January 29, 2019

FAEGRE BAKER DANIELS LLP

*s/ Sean R. Somermeyer*

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